



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SA:MW/JK
F. #2011R01313

*271 Cadman Plaza East
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October 5, 2016

By ECF and Hand Delivery

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Ibrahim Suleiman Adnan Adam Harun
Criminal Docket No. 12-134 (BMC)

Dear Judge Cogan:

The government writes regarding the October 5, 2016 status conference in the above-referenced case. At the conference, the Court advised that defense counsel had made an ex parte application requesting that certain potential defense experts be given access to classified materials in this case. Defense counsel objected to providing the names of these potential experts to trial counsel for the government. Accordingly, the Court ordered the government to appoint a “firewall” attorney to facilitate requests for access to classified information for potential defense experts in this case.

Pursuant to the Court’s order, the government has appointed Assistant U.S. Attorney Kristin Mace as firewall counsel for this purpose. The government understands that the provisions of the August 3, 2015 Protective Order remain in place, including the requirements set forth in paragraphs 5(a)-(c), 11(a)-(h) and 14. Accordingly, the government has advised A.U.S.A Mace to be available to the Court, the Court Information Security Officer and defense counsel to answer any questions regarding potential defense experts’ access to classified information, including whether the proposed experts have a “need to know.” See August 3, 2015 Protective Order Regarding Classified Information ¶¶ 5(a) (access to classified information may only be granted after “obtaining permission from this Court, with prior notice to the government”) and 11(f) (“Counsel for the United States shall

be given an opportunity to be heard in response to any defense request for disclosure to a person not named in this Order.”), Docket Entry No. 65.

Respectfully submitted,

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